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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/282,748

03/31/1999

HYONG S. KIM

FORE-39

9050

7590

08/19/2005

ANEL M SCHWARTZ  
ONE STERLING PLAZA  
SUITE 304  
201 N CRAIG STREET  
PITTSBURGH, PA 15213

EXAMINER

TRAN, PHUC H

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/282,748

Applicant(s)

KIM ET AL.

Examiner

PHUC H. TRAN

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/10/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Objections***

1. Claim 29 is objected to because of the following informalities: acronym "IETF" need to define. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Regarding to claim 29, the IEEE 802.1p/Q fails to define which version of IEEE 802.1 p/Q can be mapped into ATM transport.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Ganmukhi et al. (U.S. Patent No. 5850399).

- With respect to claims 1, 3-6, 9-11, 13, and 18, Ganmukhi teaches an ATM communication system (Fig. 1) comprising:

a source, which produces traffic for connections having known traffic characteristics (CBR, VBR, ABR) and unknown traffic characteristics (UBR) with no parameter specified, with weighted priorities (UBR +), which has multiple weighted priorities (e.g. weight round robin with low and high), and without weighted priorities (UBR);

a network on which traffic travels, the source connected to the network, the source sends the traffic having known traffic characteristics and unknown traffic characteristics onto the network (output 100);

and a destination, which is connected to the network and receives the traffic having known traffic characteristics and unknown traffic characteristics (e.g. terminal at receiving end).

- With respect to claim 2, Ganmukhi discloses a switch connected to the network, which switches the traffic from the source to the destination (Ganmukhi explicitly fails to teach the connection to the network, however it is inherently to person of ordinary skill in the art at the time of the invention was made to understand the communication system of Ganmukhi is connected to network for transferring information system, col. 4, line 17).

- With respect to claims 7, 16, & 22, Ganmukhi teaches the traffic known traffic characteristics is ABR, CBR, VBR or a combination of the same (Fig. 1).

- With respect to claims 8 & 20, Ganmukhi also discloses a signaling message that identifies to switches of the network the weight of each UBRw VC (call reception control circuit in Fig. 1).

- With respect to claims 12, 17, 19, 21, & 23-27, Ganmukhi teaches a switch for switching traffic on an ATM network from a source to a destination (Fig. 1) comprising:

a mechanism receives traffic for connections having unknown traffic characteristics (UBR in Fig. 1) with weighted priorities and without weighted priorities (UBR + & UBR);

a mechanism for transmitting the traffic for connections to the network, the transmitting mechanism connected to the receiving mechanism (it is inherently to person of ordinary skill in the art at the time of the invention to understand the system of Ganmukhi for transmitting data between terminals).

Ganmukhi also teaches a scheduler for scheduling when the connections having traffic with unknown characteristics having weighted priorities are to be transmitted to the network, the scheduler connected to the transmitting mechanism and the receiving mechanism by utilizing weighted rotational priority control (block 90 in Fig. 1).

- With respect to claims 14 & 15, Ganmukhi discloses including a memory for storing the connections, the memory connected to the receiving mechanism, the scheduler and the transmitting mechanism (e.g. buffer in Fig. 1).

- With respect to claims, 28 and 30-31, Ganmukhi teaches priority of connection is communicated to the switch during connection set-up from the source (Fig. 1 shows the classes and weight round robin at the source 15)

***Response to Arguments***

6. Applicant's arguments filed 6/10/2005 have been fully considered but they are not persuasive.

- Applicant's arguments that "The UBR+ class 23 that Ganmukhi teaches UBR+ has a guaranteed minimum throughput or minimum cell rates, which thus has parameters specified." (In page 13). Examiner respectfully disagrees. Ganmukhi teaches UBR+ does not involve network flow control and ABR with flow control. Ganmukhi does not teach UBR+ has a guaranteed minimum throughput or minimum cell rates. Ganmukhi only teaches UBR+ is similar to those of the ABR class. Therefore, UBR+ is no parameter specified.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran  
Assistant Examiner  
Art Unit 2664

P.t  
August 17, 2005



DANG TON  
PRIMARY EXAMINER